



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF P-G-H-

DATE: APR. 18, 2018

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a hospital, seeks to employ the Beneficiary as a medical technologist. It requests classification of the Beneficiary as a member of the professions holding an advanced degree under the second preference immigrant category. Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). This "EB-2" classification allows a U.S. employer to sponsor a professional with an advanced degree for lawful permanent resident status.

The Director of the Texas Service Center denied the petition. The Director found that the Petitioner did not establish that the Beneficiary had the requisite experience to meet the minimum requirement of the labor certification and to qualify for classification as an advanced degree professional.

On appeal the Petitioner asserts that its previously submitted evidence establishes that the Beneficiary has more than five years of post-baccalaureate progressive experience as a medical technologist, which meets the minimum alternative requirement of the labor certification and makes her eligible for advanced degree professional classification.

Upon *de novo* review, we will sustain the appeal.

A petition for an advanced degree professional must be supported by documentary evidence showing that the beneficiary has either a "United States advanced degree or a foreign equivalent degree" or "a United States baccalaureate degree or a foreign equivalent degree, and . . . at least five years of progressive post-baccalaureate experience in the specialty. 8 C.F.R. § 204.5(k)(3)(1)(A) and (B). The petitioner must establish that the beneficiary meets all of the educational, training, experience, and other requirements of the offered position, as stated on the labor certification, by the petition's priority date.<sup>1</sup> See *Matter of Wing's Tea House*, 16 I&N Dec. 158, 159 (Act. Reg'l Comm'r 1977).

In this case the labor certification requires either a master's degree in medical technology, or a foreign educational equivalent, and one year of experience in the job offered or, alternatively, a bachelor's degree in medical technology, or a foreign educational equivalent, and five years of

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<sup>1</sup> The "priority date" of a petition is the date the underlying labor certification was filed with the Department of Labor. See 8 C.F.R. § 204.5(d).

qualifying experience. The labor certification asserts that the Beneficiary meets the alternative minimum requirements of a bachelor's degree and five years of qualifying experience.

The record shows that the Beneficiary was awarded a bachelor of science degree in medical technology by the University of [REDACTED] in the Philippines. We find that this degree is equivalent to a bachelor's degree from a U.S. college or university. The record also includes employment experience letters from the Beneficiary's former employers, as stated on the labor certification, which document the Beneficiary's possession of at least five years of qualifying post-baccalaureate progressive experience. We find that the Beneficiary's prior employment satisfies the labor certification's alternative minimum requirement of five years of qualifying employment, and includes "at least five years of progressive post-baccalaureate experience in the specialty" of medical technologist, as required by 8 C.F.R. § 204.5(k)(3)(1)(B) to be eligible for classification as an advanced degree professional.

Therefore, the Beneficiary meets the alternative educational and experience requirements of the labor certification and is eligible for classification as an advanced degree professional.

**ORDER:** The appeal is sustained.

Cite as *Matter of P-G-H-*, ID# 1161340 (AAO Apr. 18, 2018)